

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, : 19-MJ-1035 (VMS)
v. :
JACK CABASSO, : 225 Cadman Plaza East
: Brooklyn, New York
Defendant. : November 7, 2019
v.

TRANSCRIPT OF CRIMINAL CAUSE FOR ARRAIGNMENT
BEFORE THE HONORABLE RAMON E. REYES, JR.
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Government: IAN RICHARDSON, ESQ.
ALEXANDER MINDLIN, ESQ.
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201

For the Defendant: JAMES M. BRANDEN, ESQ.
Law Offices of James M. Branden
551 Fifth Avenue
New York, New York 10176

Court Transcriber: SHARI RIEMER, CET-805
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211 N. Milton Road
Saratoga Springs, New York 12866

1 (Proceedings began at 3:12 p.m.)

2 THE CLERK: Jack Cabasso. Arraignment on complaint
3 in Jack Cabasso, Case No. 19-MJ-1035.

4 Counsel, state your name for the record.

5 MR. RICHARDSON: Good afternoon, Your Honor. Ian
6 Richardson, Alex Mindlin and Kayla Bensing for the United
7 States.

8 MR. BRANDEN: Good afternoon, Judge. Jim Branden.
9 I'm here with Mr. Cabasso.

10 THE COURT: Good afternoon. Mr. Cabasso, the
11 purpose of this proceeding is to make sure that you understand
12 the charges that are pending against you, to make sure that
13 you understand your rights as a defendant in a criminal case,
14 and to address the question of whether you should be held in
15 jail or released on bail.

16 You have the right to remain silent. You do not
17 have to make a statement to anyone. If you start to make a
18 statement you can stop at any time. If you've made statements
19 in the past you're not required to make statements in the
20 future. Any statements that you do make however can and will
21 be used against you in your case except for statements that
22 you make to your attorney. Those are privileged.

23 Do you understand that?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: You also have the right to be

1 represented by an attorney throughout your case and if you
2 can't afford an attorney the Court will appoint one to
3 represent you.

4 I don't have a financial affidavit.

5 [Pause in proceedings.]

6 THE COURT: I will appoint for the next 15 minutes
7 maybe Mr. Branden to represent Mr. Cabasso because I have a
8 serious question as to whether he's entitled to CJA
9 representation.

10 Mr. Cabasso, you've been charged in a complaint with
11 four counts. Two counts of conspiracy to commit wire and mail
12 fraud, one count of unlawful importation of goods into the
13 United States, and one count of money laundering conspiracy.

14 Have you received a copy of the complaint?

15 THE DEFENDANT: Just recently, yes.

16 THE COURT: Okay. You discussed the charges with
17 your attorney?

18 THE DEFENDANT: Yes.

19 THE COURT: Even briefly?

20 THE DEFENDANT: Yes.

21 THE COURT: Do you understand the charges?

22 THE DEFENDANT: Yes.

23 THE COURT: Mr. Branden, you've had these
24 discussions with Mr. Cabasso?

25 MR. BRANDEN: I did, Judge, and I have an extra copy

1 of the complaint which I gave to him.

2 THE COURT: Great. Does Mr. Cabasso want a --

3 MR. BRANDEN: Which he then took but he has reviewed
4 it with me.

5 THE COURT: All right. Does --

6 [Pause in proceedings.]

7 THE COURT: Can you see if this is Mr. Cabasso's
8 signature, please?

9 THE CLERK: Is this your signature on this financial
10 affidavit?

11 THE DEFENDANT: Yes.

12 THE CLERK: On the bottom in black?

13 THE DEFENDANT: Yes.

14 THE CLERK: Thank you very much.

15 [Pause in proceedings.]

16 MR. BRANDEN: Judge, I would say if you're looking
17 for a comment with regard to his assets --

18 THE COURT: Yes.

19 MR. BRANDEN: I would say that based on the
20 detention memo that the Government submitted that the
21 Government has seized all of his assets except for the marital
22 residence which I believe is being posted on behalf of the
23 wife. So I actually don't think he has any money at the
24 moment.

25 THE COURT: Well, the Government -- from my

1 recollection of the detention memo the Government seized what
2 it's aware of.

3 MR. RICHARDSON: That's correct, Your Honor.

4 THE COURT: And the allegation is that there is
5 based on the scope of Adventura's business that there's a
6 whole bunch more money out there somewhere. Is that correct?

7 MR. RICHARDSON: That's correct, Your Honor. We
8 have seized the money that we are aware of that we can
9 establish has ties to the fraud. I would emphasize that one
10 of the concerns here is that the defendant has a pattern and
11 history of using nominees to control bank accounts, businesses
12 and other things and that he actually exercises control over a
13 number of other assets.

14 So at this point, Your Honor, we've seized what
15 we're aware of but we don't believe that constitutes the
16 entire body of assets that Mr. Cabasso has access to.

17 [Pause in proceedings.]

18 THE COURT: During its investigation did the
19 Government find out whether Adventura conducts business that's
20 outside of the alleged fraudulent activity?

21 MR. RICHARDSON: No, Your Honor. In fact the
22 allegation essentially in the complaint is that Adventura's
23 business is fraudulent entirely.

24 MR. BRANDEN: And I think it also indicates in this
25 detention memo that it is no longer a going concern.

1 THE COURT: This financial affidavit indicates that
2 there's \$50,000 in cash on hand. Was that seized by the
3 Government?

4 MR. RICHARDSON: Your Honor, I'm aware of some cash
5 that was found. \$50,000 sounds higher than the amount of cash
6 that I was aware of.

7 THE COURT: But that was seized?

8 MR. RICHARDSON: There was -- I understand that
9 approximately \$20,000 in cash was seized from the defendant's
10 residence.

11 THE COURT: Well, it's difficult to discern from the
12 detention memo and a one page financial affidavit whether Mr.
13 Cabasso has the ability to retain his own attorney. So I will
14 appoint Mr. Branden to represent him subject to further review
15 and if the Government wants to make any application later on
16 down the road it's free to do that.

17 Does Mr. Cabasso -- I don't know if I asked this.
18 Does he want a preliminary hearing?

19 MR. BRANDEN: No, he does not, Judge.

20 THE COURT: I take it you do not have a bail package
21 to present.

22 MR. BRANDEN: I do not have a bail package today but
23 I reserve my right to bring one.

24 THE COURT: I will sign a permanent order of
25 detention with leave to reopen and present a bail package in

1 the future.

2 Is there anything else?

3 MR. RICHARDSON: No, Your Honor.

4 MR. BRANDEN: No, Judge.

5 THE COURT: Thank you.

6 (Proceedings concluded at 3:20 p.m.)

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1 I certify that the foregoing is a court transcript from
2 an electronic sound recording of the proceedings in the above-
3 entitled matter.

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5 *Shari Riemer*
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Shari Riemer, CET-805

7 Dated: December 12, 2019

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